

Unified Government of Athens-Clarke County, Georgia  
Mayor and Commission  
Wednesday, November 6, 2024  
6:18 p.m.  
City Hall

The Unified Government of Athens-Clarke County, Georgia met this date in a regular monthly session. Present: Mayor Girtz; Commissioners Davenport, Link, Taylor, Wright, Fisher, Houle, Culpepper, Myers, Thornton, and Hamby. No one was absent.

A motion was made by Commissioner Hamby, seconded by Commissioner Taylor, to reconsider action of October 1, 2024 in reference to approval for Woodlawn Avenue – proposed designation as an on-street parking permit-controlled street under the Residential Paring Permit Program.

The motion passed by unanimous vote.

A motion was made by Commissioner Thornton, seconded by Commissioner Taylor, to approve Minutes of meetings of Tuesday, October 1 (2); Tuesday, October 15 (2); and non-voting meetings of Tuesday, October 8; and Tuesday, October 15, 2024.

### Recognitions

Mayor Girtz recognized the Solid Waste Department and the following employees for their exemplary accomplishments:

1. 2024 International SWANA Road-E-O Automated Side Loader Winner – Lavis Huff

Lavis Huff, Driver II, won First Place at the 2024 International SWANA Road-E-O hosted by the SWANA-Georgia Chapter on Saturday, October 5, 2024 in Dublin, Georgia. He won in the Automated Side Loader competition. There were over 250 in attendance. The Road-E-O is a Collection Truck and Landfill Equipment competition based on different course challenges along with time on the courses.

2. Jonathan "Buck" Sims – Solid Waste Association of North America (SWANA) – Georgia Chapter, 2024 Solid Waste Employee of the Year

On September 19, 2024 at the SWANA-Georgia Chapter fall conference on Jekyll Island, Jonathan was awarded the Solid Waste Employee of the Year for 2024. Buck has been with the ACC Solid Waste Department for 22 years. Buck is able to operate all Collection Division trucks and equipment including front-end loader, rear loader, roll-off, sway car, and leaf and limb boom truck. Additionally, Jonathan has trained multiple drivers on how to drive and operate various Collection Division trucks and equipment.

3. The Athens-Clarke County (ACC) Solid Waste Department received the Georgia Recycling Coalition's 2024 Spirit of Green Award for their Creative Reuse Programs at the recent joint Georgia SWANA/Georgia Recycling Coalition Conference in Jekyll Island, GA on September 18, 2024. ACC Creative Reuse Program has significantly impacted the community by redefining waste as "potential valuable resources." Key highlights include:

- Teacher Reuse Store
- Repair Café
- Zero Waste Kits

Together, these programs reflect our commitment to innovative waste reduction strategies, community engagement, and sustainable practices.

Joe Dunlop and Sandy Cederbaum accepted the award on behalf of the Solid Waste Department.

#### Written communications

There were none.

#### Old business - Consent

Items under this section were discussed at prior public meetings and were presented for consideration as a single item. Only one vote was taken.

#### Public input

There was none.

A motion was made by Commissioner Taylor, seconded by Commissioner Myers, to consent to action on the following six items. The motion passed by unanimous vote.

1. a) Approve the submission of an application by the Athens-Clarke County Police Department for the 2024 Byrne Justice Assistance Grant as per agenda item dated September 10, 2024.

b) Accept the grant funds, if awarded;

c) Adopt the following ordinance (#24-11-100) which was presented by title only; and,

d) Authorize the Mayor and appropriate staff to execute all documents associated with the grant.

**AN ORDINANCE TO AMEND THE FY2025 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE GRANT FUNDING, IF AWARDED, TO THE POLICE DEPARTMENT FROM THE U. S. DEPARTMENT OF JUSTICE THROUGH THE 2024 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FOR PURCHASE OF EQUIPMENT, SOFTWARE AND OTHER ITEMS TO SUPPORT THE REAL-TIME CRIME CENTER (RTCC); AND FOR OTHER PURPOSES.**

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Grants Special Revenue Fund to provide grant funding, if awarded, to the Police Department from the U. S. Department of Justice through the 2024 Edward Byrne Memorial Justice Assistance Grant (JAG) for purchase of equipment, software and other items to support the Real-Time Crime Center (RTCC); and for other purposes.

Said Operating and Capital budget is hereby amended as follows:

**Grants Special Revenue Fund:**

REVENUES:

Increase:

Federal Grants - Operating	\$60,165
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EXPENDITURES:

Increase:

Police Department	
Operating Expense	\$60,165

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

2 a) Approve an appropriation of \$34,824 to the FY25 Operating Budget for Magistrate Court, Compensation – Supplemental and authorize staff to amend the supplement amounts of the Chief Magistrate and two (2) Associate Magistrates, effective January 1, 2025 as per agenda item dated October 24, 2024.

b) Adopt the following ordinance (#24-10-101), which was presented by title only, amending the FY25 Operating Budget for Magistrate Court expenses (Attachment #1).

**AN ORDINANCE TO AMEND THE FY2025 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, SO AS TO PROVIDE ADDITIONAL FUNDING FOR MAGISTRATE COURT SUPPLEMENTAL PAY; AND FOR OTHER PURPOSES.**

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the FY2025 Annual Operating and Capital Budget so as to provide additional funding for Magistrate Court supplemental pay and for other purposes.

Said Operating and Capital Budget is hereby amended as follows:

**General Fund**

EXPENDITURES:

Decrease:

Other General Administration	
Operating Contingency	\$34,824

Increase:

Magistrate Court	
Personal Services	\$34,824

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

3. a) Approve an appropriation of \$17,857 to the FY25 Operating Budget for Probate Court, Compensation – Supplemental and authorize staff to amend the supplement amount of the Judge, effective January 1, 2024 as per agenda item dated September 9, 2024.
- b) Adopt the following ordinance (#24-10-102) which was presented by title only, amending the FY25 Operating Budget for Probate Court expenses (Attachment #1).

**AN ORDINANCE TO AMEND THE FY2025 ANNUAL OPERATING AND CAPITAL BUDGET FOR ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE FUNDING FOR OPERATING EXPENSES RELATED TO PROBATE COURT; AND FOR OTHER PURPOSES.**

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to provide funding operating expenses for Compensation - Supplemental. Said Operating and Capital budget is hereby amended as follows:

**EXPENDITURES:**

Decrease:	\$17,857
Increase:	
Probate Court- Compensation - Supplemental	\$17,857
Total	\$17,857

SECTION 2 All ordinances or parts of ordinances in conflict herewith are hereby repealed.

4. a) Declare the nulla bona list (Attachment #1) of real and personal properties uncollectable as per agenda report dated September 10, 2024; and,

b) Authorize the removal of these accounts from the Unified Government of Athens- Clarke County Tax Commissioner's active receivable accounts in accordance with O.C.G.A. 44-14-11.

5. a. Approve the Proposed Preliminary Design for TSPLOST 2023, Project 25, Bicycle & Pedestrian Improvement Program, Sub Project #2 (SP #2), Cherokee Road Multi-Use Path Project (Previously known as TSPLOST 2018 Project 12, Pedestrian Improvements Project, SP #1), from Lowe's Home Improvement Driveway to Beaverdam Road, and as generally shown on Attachment #1 as per agenda item dated September 18, 2024.

b. Authorize staff to negotiate and enter into agreements to acquire the necessary rights-of way, permanent easements, and temporary easements as necessary to support the proposed Preliminary Design for Cherokee Road Multi-Use Path Project, as generally shown on Attachment #1;

c. Authorize staff to advance the proposed Preliminary Design for Cherokee Road Multi- Use Path Project, as generally shown on Attachment #1, to final design followed by the bid and award phase;

d. Approve continue using the on-call designers, Arcadis U.S. Inc. (Arcadis), to advance the project into the Final Design, Land Acquisition and Bid & Award Phases for a not to exceed contract in the amount of \$225,000; and

e. Authorize the Mayor and appropriate staff to execute any and all other project related documents.

6. a) Approve Construction Services Contract Change Order to JOC Construction for the addition of the sun shades as described in Facts & Issues (F&I #5) for the Bishop Park Improvements (SPLOST 2020 Project 19 SP #1) in the amount of \$102,193 as per agenda item dated September 16, 2024; and,

b) Authorize the Mayor and appropriate staff to execute all related documents.

Public hearing and deliberation on a recommendation from the Athens-Clarke County Planning Commission

A public hearing was held at the request of David Ellison/Fortson, Bentley, & Griffin P.A. Owner: Bethlehem Land Holdings LLC, for rezoning from C-G (Commercial-general) to C-G (PD) (Commercial-general planned development) on 5.46 acres known as 0, 290, 310, & 322 North Avenue. Proposed use is residential and commercial mixed. Type II District 2

Planning Commission recommendation: Approval w/condition (unanimous)

Public input

1. David Ellison – supported

A motion was made by Commissioner Link, seconded by Commissioner Wright to adopt the following ordinance (#24-11-103) which was presented by title only.

The motion passed by roll call vote with Commissioners Link, Wright, Fisher, Culpepper, Myers, Thornton, Hamby, and Davenport voting YES; and Commissioners Taylor and Houle voting NO. (8 YES; 2 NO)

**AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO REZONING FOUR PARCELS OF LAND COMPRISING APPROXIMATELY 5.46 ACRES LOCATED AT 0, 290, 310, AND 322 NORTH AVENUE FROM C-G (COMMERCIAL-GENERAL) TO C-G (PD) (COMMERCIAL-GENERAL, PLANNED DEVELOPMENT); AND FOR OTHER PURPOSES.**

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. The map constituting the component part of the Zoning Ordinance of Athens-Clarke County, Georgia, by virtue of and in compliance with Section 9-3-3 and Section 9-3-6 thereof, is hereby amended by changing the zoning of four parcels of land comprising approximately 5.46 acres located at 0, 290, 310, and 322 North Avenue from C-G (Commercial-General) to C-G (PD) (Commercial-General, Planned Development) as shown on Attachment A hereto. Said affected parcels of land being more fully described in that certain document entitled "Master PD

Site Plan,” said site plan having an issue date of August 30, 2024, prepared by Edward Lane, registered professional engineer, of SPG Planners + Engineers, designated in the lower right- hand corner as “PD-20,” and being on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The subject parcels comprise approximately 5.46 acres in total and are also known as parcel numbers 164A3 A001A, 164A3 A004, 164A3 A003, and 164A3 A002 on the Athens-Clarke County tax maps, being on file and available for public inspection in the office of the Athens- Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia. The date of this amendment to the Official Zoning Map of Athens-Clarke County as shown by Attachment A shall be noted on said Official Zoning Map in the office of the Clerk of Commission at 301 College Avenue, Athens, Georgia, and duly noted in the minutes of the Commission meeting.

SECTION 2. The binding master site plan associated with this ordinance and incorporated herein by reference consists of five sheets in total. Each sheet is titled, numbered, and dated in the lower right-hand corner as shown in the table below.

Sheet No.:	Title:	Date (most recent revision):
PD-20	Master PD Site Plan	August 30, 2024
A1.00	Building “A” Proposed Exterior Elevations	June 18, 2024
A1.01	Building “B” Proposed Exterior Elevations	June 18, 2024
A1.02	Gas Canopy Design	March 29, 2024
A1.03	Proposed Design Study	June 27, 2024

Each sheet listed above is stamped “Binding 10-8-24,” and is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

The binding written report associated with this ordinance consists of seven pages in total, is entitled “Planned Development Application, Address: 290, 310 & 322 North Avenue, Tax Map Parcels: 164A3 A001A; 164A3 A002; 164A3 A003; 164A3 A004,” dated August 29, 2024, and stamped “Binding 10-8-24.” Said report is on file and available for public inspection in the office of the Athens-Clarke County Planning Department, 120 West Dougherty Street, Athens, Georgia.

SECTION 3. The conditions of zoning associated with this ordinance are as follows:

1. The Ruth Street Extension (the "Street") shall be constructed in the alignment shown on the site plan, unless the Director of the Athens-Clarke County Transportation and Public Works Department determines that said street needs to be redirected to connect with new streets on adjoining parcels. In all cases, the Street shall be constructed to the property line in order to provide a connection to adjacent properties, particularly the parcel located at 195 Bray Street (Tax Parcel No. 164A3 A008). Said Street shall be built in accordance with public standards, as administered by the Transportation and Public Works Department, in effect at the time of construction. The Street shall remain private until an adjacent parcel is developed with a street connection between adjoining parcels. Upon completion of a street connection on adjoining parcels, the Street shall be dedicated to the public right-of-way and meet all Transportation and Public Works standards for said dedication.

2. In accordance with Sections 9-4-2 and 9-4-3 of the Code of Athens-Clarke County, Georgia, the following waivers requested by the applicant are hereby approved:

- A waiver from the table found at Section 9-10-2 of the Code of Athens-Clarke County, Georgia, footnote L1 thereof, that at least 50 percent of the ground floor shall be leasable commercial space. The percentage of leasable commercial space shall be as shown in the binding site plan associated with this ordinance.
- A waiver from the requirement found at Section 9-25-8(C)(3) of the Code of Athens-Clarke County, Georgia so as to allow the block to exceed three acres in size.
- A waiver from the requirement found at Section 9-25-8(F)(1)(a) of the Code of Athens-Clarke County, Georgia so as to increase the maximum building length from 300 feet to 320 feet.
- A waiver from the requirement found at Section 9-30-2(B)(3) of the Code of Athens-Clarke County, Georgia so as to reduce the minimum number of parking spaces from 34 spaces to 26 spaces.
- A waiver from the table found at Section 9-26-3(A)(5) of the Code of Athens-Clarke County, Georgia to remove the requirement that sidewalks be constructed on both sides of the street.
- A waiver from the table found at Section 8-7-15 of the Code of Athens-Clarke County, Georgia so as to reduce the total required conserved tree canopy coverage from 10 percent to 3.9 percent.

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

## Old and new business – Discussion

### Public input

1. Dr. Tawanna Smith-Maddox – supported CDO for North Avenue Corridor RAISE Grant Project, opposed LRC report: Franchising of Residential Collection and communication policy needs improvement
2. Teresa Williams - opposed North Avenue Corridor RAISE Grant Project
3. Paul Bunce – opposed LRC report: Franchising of Residential Collection
4. Xavier Walker - opposed North Avenue Corridor RAISE Grant Project
5. Brenda Kitchens - opposed North Avenue Corridor RAISE Grant Project
6. Val Williams - opposed North Avenue Corridor RAISE Grant Project
7. Darryl McManus - opposed North Avenue Corridor RAISE Grant Project
8. Lauren Blais - opposed North Avenue Corridor RAISE Grant Project
9. Quaison Payne – supported CDO for North Avenue Corridor RAISE Grant Project

A motion was made by Commissioner Wright, seconded by Commissioner Taylor to

- a. Approve, pursuant to the IGA with the Classic Center Authority, the Proposed Wall Sign Design, promoting the Classic Center Arena, as generally shown on Attachment #1 and as described in Facts and Issues as per agenda item dated October 8, 2024; and,
- b. Authorize the Mayor and appropriate staff to execute all necessary related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Davenport, seconded by Commissioner Myers, to HOLD for 30 days the TSPLOST 2018, Project 03, Bus Stop & Transfer Facility Improvements – Transit Transfer Facility, Proposed final site selection and proposed schematic design. The motion passed by unanimous vote.

A motion was made by Commissioner Houle, seconded by Commissioner Link, to approve the TSPLOST 2023, Project 4, Atlanta Highway / W. Broad Street, Sub-Project #1, Concept Sketch for Road Safety Improvement with multi-use path, from Epps Bridge Road to Hodgson Drive, as generally shown on Attachment #1, with the following two priorities for Athens-Clarke County;

- A. Abundant trees shall be planted wherever possible on existing and new facilities for the purposes of providing shade to users, with particular focus on shading unprotected bus stops and, where possible, to also provide a buffer between vehicular traffic and sidewalks, multi-use paths, transit stops, and crossings;



B. Explore ways to maintain vehicular access to Magnolia Street from the westbound side of West Broad Street;

2. Authorize the Mayor and appropriate staff to negotiate and enter into a Memorandum of Agreement (or Intergovernmental Agreement) with the Georgia Department of Transportation to fund the Construction of the proposed multi-use path in the amount of \$3,000,000;

3. Authorize the Mayor and appropriate staff to work with Georgia Power Company to advance the incorporation of streetlights along the W. Broad Street / Atlanta Highway, from Epps Bridge Road to Alps Road for a cost not to exceed \$550,000; and

4. Authorize Mayor and appropriate staff to execute all related documents.

Commissioner Culpepper offered an amendment to close off the exit at Café Racer to allow for a right in, right out turn to be added. The amendment was accepted

The motion as amended passed by unanimous vote.

A motion was made by Commissioner Thornton, seconded by Commissioner Wright, to

a. Approve the Agenda Item for the North Avenue Corridor RAISE Grant Project Concept Approval and Authorization to Advance into Preliminary Engineering Phase, subject to the following modifications to Sub-Sections b. and c. under Option 1, as shown below:

b. Approve the Proposed Project Concept for Fiscal Year 2022 RAISE North Avenue Corridor Improvement Project, as generally shown on Attachment #2, subject to the following modifications as shown below:

1. Implement 5-lane typical section for the corridor to include facilities for pedestrians and cyclists, as generally shown on Attachment No. 2A hereto; and

2. For the inner loop 10 entry and exit ramps, prioritize partial stop/yield intersection control improvements in lieu of a roundabout or traffic light, as generally shown in Attachment No. 2B hereto;

3. Install an 8 foot decorative screen wall along the property line on the North Avenue side of Advantage and along the property line on the Bray Street Side of Advantage down to the entrance drive of Advantage for the purposes of improving pedestrian safety;

4. As part of the implementation of the 5-lane typical section, the Manager shall direct staff to perform a roadway safety audit to evaluate the need for additional crosswalks and refuge islands; and

5. Staff will report back no later than May 2025 its determinations related to the implementation of the modifications shown above;

c. Authorize staff to advance the Proposed Project Concept for Fiscal Year 2022 RAISE North Avenue Corridor Improvements Project, as generally shown on Attachment #2, to the Preliminary Engineering Phase;, subject to the following modifications as shown below:

1. Implement 5-lane typical section for the corridor to include facilities for pedestrians and cyclists, as generally shown on Attachment No. 2A hereto; and
2. For the inner loop 10 entry and exit ramps, prioritize partial stop/yield intersection control improvements in lieu of a roundabout or traffic light, as generally shown in Attachment No. 2B hereto;
3. Install an 8 foot decorative screen wall along the property line on the North Avenue side of Advantage and along the property line on the Bray Street Side of Advantage down to the entrance drive of Advantage for the purposes of improving pedestrian safety;
4. As part of the implementation of the 5-lane typical section, the Manager shall direct staff to perform a roadway safety audit to evaluate the need for additional crosswalks and refuge islands; and
5. Staff will report back no later than May 2025 its determinations related to the implementation of the modifications shown above;

The motion passed by roll call vote with Commissioners Davenport, Link, Taylor, Wright, Fisher, Culpepper, Myers, Thornton, and Hamby voting YES. Commissioner Houle voted NO. (9 YES; 1 NO)

A motion was made by Commissioner Houle, seconded by Commissioner Fisher, to

- a) Adopt the following ordinance (#24-10-104) which was presented by title as per agenda report dated September 24, 2024;
- b) Approve the Proposed Revised Sanitary Sewer Schematic Design for the SPLOST 2020 Project 28, Mental Health Recovery Facility Project to allow the facility to be served;
- c) Approve Change Order to the Design Services Contract with LDDBlueline for the additional scope of work for the Revised Sanitary Sewer Schematic Design for the Mental Health Recovery Facility (SPLOST 2020 Project 28) in the amount not to exceed (\$65,000);
- d) Approve the proposed Amendment to the Second Intergovernmental Contract (Attachment #2) with the Advantage Behavioral Health Systems (Advantage) for SPLOST 2020 Project 28, Mental Health Recovery Facility Project; and,
- e) Authorize the Mayor and appropriate staff to execute all necessary related documents.

**AN ORDINANCE TO AMEND THE FY2025 ANNUAL OPERATING AND CAPITAL BUDGET FOR  
ATHENS-CLARKE COUNTY, GEORGIA SO AS TO PROVIDE ADDITIONAL FUNDING FOR PROJECT  
#28 MENTAL HEALTH RECOVERY FACILITY FROM THE WATER & SEWER CONSTRUCTION FUND;  
AND FOR OTHER PURPOSES.**

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. The Commission of Athens-Clarke County, Georgia desires to amend the Water & Sewer Construction Fund to provide additional funding for the SPLOST 2020 Project #28 Mental Health Recovery Facility. Said Operating and Capital budget is hereby amended as follows.

Said Operating and Capital Budget is hereby amended as follows:

**Water & Sewer Construction Fund**

EXPENDITURES:

Decrease:

Project c0644 – Rehabilitate and Replace Sewers	up to \$2,000,000
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Increase:

New Project – s2028 509 Supplement	up to \$2,000,000
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SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

The motion passed by unanimous vote.

A motion was made by Commissioner Myers, seconded by Commissioner Wright, to PASS OUT WITH NO ACTION Legislative Review Committee report dated January 8, 2024: Franchising of Residential Collection; and request that the Mayor re-assign to Committee opportunities for curbing littering, reducing out-of-county and recyclable items at the landfill, and strengthening requirements for permitting trash haulers to operate in ACC.

A substitute motion was made by Commissioner Davenport, seconded by Commissioner Houle, to approve the Legislative Review Committee report for franchising of residential collection.

The substitute motion failed by rollcall vote with Commissioners Davenport and Houle voting YES; and Commissioners Link, Taylor, Wright, Fisher, Culpepper, Myers, Thornton, and Hamby voting NO. (2 YES; 8 NO)

The original motion passed by rollcall vote with Commissioners Myers, Thornton, Hamby, Davenport, Link, Taylor, Wright, Fisher, and Culpepper voting YES; and Commissioner Houle voting NO. (9 YES; 1 NO)

A motion was made by Commissioner Wright, seconded by Commissioner Taylor, to

a. Approve a Task Order to Jacobs Engineering Group, Inc., in an amount not to exceed \$390,000 to design the North Oconee River Sanitary Sewer Interceptor Crossing - Phase II (Phase II Design) as per agenda report dated October 1, 2024; and

b. Authorize the Mayor and appropriate staff to sign all documents related to the Task Order.

The motion passed by unanimous vote.

A motion was made by Commissioner Taylor, seconded by Commissioner Fisher, to

- a. Approve an intergovernmental agreement between the Unified Government of Athens-Clarke County and the Classic Center Authority for the previously allocated \$1.25M of ARPA funds to support the AJMP Recommended Project, Center for Racial Justice & Black Futures (Attachment #1) as per agenda report dated October 31, 2024; and,
- b. Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Wright, seconded by Commissioner Link, to

- a. Approve the IGA with ADDA for College Square Pedestrian Plaza (TSPLOST 2023 Project 28), Attachment #1 as per agenda report dated October 31, 2024; and
- b. Authorize the Mayor and appropriate staff to execute all related documents.

The motion passed by unanimous vote.

A motion was made by Commissioner Myers, seconded by Commissioner Thornton, with reference to the TSPLOST 2026 Program – Proposed Predesignated Countywide Sustainment Programs.

1a. Approve an adjusted TSPLOST 2026 option #1 of the pre-designated county-wide transportation activities as detailed in the list below; and,

1b. Authorize staff to execute all necessary actions to include the predesignated programs on the final project list.

	<b>CDO (70%)</b>
Road pavement program	54,522,595
Live stream pipe replacement	\$8,200,000
Bridge repair and maintenance	\$4,000,000
Residential Traffic Management Program	\$1,250,000
Transit Services	\$45,000,000
Bus Lifecycle Replacement	\$15,750,000
Mall Transfer Station	\$7,000,000
TSPLOST 2023 Sycamore Dr Adjustment	\$475,505

TSPLOST 2023 Westchester Adjustment	\$1,004,500
TSPLOST 2023 Stonehenge Adjustment	\$1,976,400
TSPLOST 2023 Smithonia/Smokey Rd Adjustment	\$821,000
	<b>140,000,000</b>

Commissioner Taylor offered an amendment to direct the Manager to extend the deadline from November 10, 2024 to January 10, 2025 to allow more time for community input.

The amendment was accepted.

The motion as amended passed by roll call vote with Commissioners Davenport, Link, Taylor, Fisher, Houle, Culpepper, Myers, and Thornton voting YES; and Commissioners Wright and Hamby voting NO. (8 YES; 2 NO)

A motion was made by Commissioner Houle, seconded by Commissioner Hamby, to adopt the following resolution. The motion passed by unanimous vote.

**A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA, TO REQUEST THAT THE PLANNING COMMISSION REVIEW TITLE 9 OF THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA, TO ENSURE COMPLIANCE WITH HOUSE BILL NO. 1073; AND FOR OTHER LAWFUL PURPOSES.**

WHEREAS, during its 2024 session, the Georgia General Assembly approved House Bill No. 1073, 2024 Ga. Laws 784; and

WHEREAS, House Bill No. 1073 amended O.C.G.A. § 36-66-4 by deleting the language in sub-section (f) thereof referring to the public hearing procedures for “a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency” and marking said sub- section (f) as “Reserved”; and

WHEREAS, the Commission desires to ensure that the Title 9, Article I of the Code of Athens-Clarke County, Georgia, often referred to as “the Zoning Ordinance of Athens-Clarke County, Georgia,” complies with this recent change to state law;

NOW, THEREFORE, the Commission of Athens-Clarke County, Georgia, hereby re- solves as follows:

**SECTION 1.** The Commission requests that the Athens-Clarke County Planning Commission review the applicable provisions of the Zoning Ordinance of Athens-Clarke County, Georgia, for compliance with the recent amendments to O.C.G.A. § 36-66-4(f) relating to half- way houses. See 2024 Ga. Laws 784, 785-788, § 2.

**SECTION 2.** The Commission requests that the Athens-Clarke County Planning Commission recommend any necessary or appropriate changes to the Zoning Ordinance of Athens-Clarke County, Georgia, to ensure compliance with the recent amendments to O.C.G.A. § 36-66-

4(f) relating to halfway houses.

SECTION 3. The Manager's Office and the Attorney's Office are hereby authorized to take all actions necessary and incidental to effectuate the purposes of this Resolution, as expressed in the recitals hereto.

New business – Consider under suspension of Rules

A motion was made by Commissioner Myers, seconded by Commissioner Fisher, to suspend Rules of Commission for consideration of new business items. The motion passed by unanimous vote.

A motion was made by Commissioner Link, seconded by Commissioner Taylor, to adopt the following resolution. The motion passed with nine YES votes. Commissioner Davenport recused.

**A RESOLUTION OF THE COMMISSION OF ATHENS-CLARKE COUNTY, GEORGIA TO APPROVE AND AUTHORIZE THE SETTLEMENT OF THE CLAIMS OF CHRISTOPHER GLENN; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, on July 26, 2022, Christopher Glenn ("Glenn"), filed a Complaint for Damages against the Unified Government of Athens-Clarke County, Georgia, six Athens-Clarke County Police Officers, and Athens-Clarke County Probation Office (collectively referred to as "A-CC") alleging claims under state and federal law related to his alleged unlawful arrest in the United States District Court for the Middle District of Georgia, Athens Division, CAFN: 3:22-CV-00077-CDL ("Glenn's Claims"); and

**WHEREAS**, A-CC and Glenn desire to voluntarily resolve Glenn's Claims and all other disputes that may exist between them by compromise and without incurring additional attorney's fees, expenses, and costs of litigation; and

**WHEREAS**, without admitting liability or fault, the Commission finds it to be in the best interests of the A-CC to resolve Glenn's Claims as set forth below;

**NOW, THEREFORE**, the Commission hereby resolves as follows:

SECTION 1.

The Commission does hereby approve and authorize the payment of the sum of One Hundred Twenty Thousand and 00/100 Dollars (\$120,000.00) in settlement of Glenn's Claims.

SECTION 2.

The Attorney for A-CC and the outside counsel retained for purposes of defending A-CC against Glenn's Claims shall have authority to take all further actions necessary to carry out the intents and purposes of this Resolution and to prepare, or to cause to be prepared, any and all documents necessary to effectuate the resolution of Glenn's Claims as described herein.

### SECTION 3.

The Mayor of A-CC shall have authority to take all further actions necessary to carry out the intents and purposes of this Resolution, including but not limited to, the authority to sign any documents as may be necessary or appropriate to effectuate the intents and purposes of this Resolution.

### SECTION 4.

The Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Resolution and are hereby incorporated by reference into this provision.

### SECTION 5.

In the event scrivener's errors shall be discovered in this Resolution after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener's error shall be corrected in all multiple counterparts of this Resolution.

### SECTION 6.

This Resolution shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval.

A motion was made by Commissioner Wright, seconded by Commissioner Taylor, to adopt the following resolution. The motion passed by rollcall vote with Commissioners Wright, Thornton, Davenport, Taylor, Wright, Fisher, Houle, and Culpepper voting Yes; Commissioner Link voted No; and Commissioner Hamby recused. (8 YES; 1 NO)

**A RESOLUTION OF THE MAYOR AND COMMISSION OF THE UNIFIED GOVERNMENT OF ATHENS-CLARKE COUNTY, GEORGIA TO APPROVE THE MATERIAL TERMS OF THE MEDIATION AGREEMENT IN CASE NO. SU23CV0149 AND CASE NO. SU23CV0511 AND THE PLAN FOR SURFACE PARKING ON THE PROPERTY LOCATED AT 110 WEST HANCOCK STREET OWNED BY THE TRUSTEES OF THE FIRST UNITED METHODIST CHURCH OF ATHENS; AND FOR OTHER LAWFUL PURPOSES.**

**WHEREAS**, in 2004, The Trustees of the First United Methodist Church (the "Church") purchased property located at 110 W. Hancock Avenue, Athens, Georgia (the "Property"); and

**WHEREAS**, the Property contained a building at its eastern end known as the Saye Building (the "Saye Building"); and

**WHEREAS**, on October 23, 2018, the Church filed a Demolition and Relocation Review Application ("Application") with the Unified Government of Athens-Clarke County ("ACCGov") Planning Department seeking a permit for the demolition of the Saye Building; and

**WHEREAS**, on October 25, 2018, based on Sections 9-4-15.C.3 and C.4 of the Code of Athens-

Clarke County, Georgia, the Planning Department implemented a 90-day stay on the Application, which would have expired on January 21, 2019; and

**WHEREAS**, on November 1, 2018, the ACCGov Planning Commission recommended denying the Church's Special Use Permit, File No. SUP-2018-09-2776; and

**WHEREAS**, on January 18, 2019, the Mayor and Commissioners met at a specially called meeting and passed a moratorium on the acceptance of applications for demolition permits for an area that included the Saye Building;

**WHEREAS**, this first moratorium was set to expire on January 31, 2020.

**WHEREAS**, Senior Planner Rick Cowick reviewed and processed the Application but did not act on the Application as a result of the moratorium; and

**WHEREAS**, Mr. Cowick stated in a letter that, if the property became designated as historic property, application to the Historic Preservation Commission would be necessary; and

**WHEREAS**, on January 30, 2019, the Church, through attorney Jeffrey W. DeLoach, wrote a letter to Planning Director Brad Griffin and the Planning Department appealing ACCGov's decision to not approve the Church's Application; and

**WHEREAS**, on February 18, 2019, Mr. Griffin determined that the appeal was "not eligible for consideration by the Athens Clarke County Hearings Board" because the moratorium enacted by the Athens-Clarke County Commission "pre-empted [Mr. Griffin's] ability as Planning Director to render a final administrative determination;" and

**WHEREAS**, the Commission extended the moratorium three more times, until November 17, 2020; and

**WHEREAS**, on November 17, 2020, the Commission adopted an ordinance creating the West Downtown Athens-Clarke County Historic District (the "District") which encompassed the Saye Building as reflected on the Map for the District; and

**WHEREAS**, on November 18, 2020, ACCGov Senior Planner Rick Cowick wrote Mr. Thurmond and denied the Application on the basis that the Saye Building was now part of a local historic district; and



**WHEREAS**, on November 24, 2020, the Church appealed the denial of the Application and requested a hearing before the Athens-Clarke County Hearings Board that was heard on March 8, 2023; and

**WHEREAS**, the Board upheld the Department's decision in a 4-2 decision; and

**WHEREAS**, the Board felt its scope was narrowly limited to the validity of the actions of staff and a majority determined that staff was simply following the ordinance; and

**WHEREAS**, on April 7, 2023, the Church filed Civil Action No. SU23SV0149-L for the purpose of appealing the determination of the Athens-Clarke County Hearings Board to the Superior Court of Athens-Clarke County; and

**WHEREAS**, on December 9, 2020, the Church also appealed the denial of the Application to the ACCGov Administrative Hearing Officer, which appeal was heard on August 22, 2023; and

**WHEREAS**, the Administrative Hearing Officer also upheld the actions of the staff in refusing to issue a demolition permit; and

**WHEREAS**, on November 6, 2023, the Church also filed Civil Action No. SU23SV0511-L for the purpose of appealing the determination of the Administrative Hearing Officer to the Superior Court of Athens-Clarke County; and

**WHEREAS**, both appeals, Civil Action No. SU23SV0149-L and Civil Action No. SU23SV0511-L (the "Lawsuits") are before Judge Lisa Lott; and

**WHEREAS**, on June 10, 2024, Judge Lott issued an Order for Mediation in Civil Action No. SU23SV0149-L requiring the parties to submit the Lawsuits for mediation by August 1, 2024; and

**WHEREAS**, on July 11, 2023, the parties attended a mediation and agreed in principle to recommend the settlement of the Lawsuits to their respective clients as reflected in the Mediation Agreement attached hereto as Exhibit "A" and incorporated herein by reference; and

**WHEREAS**, ACCGov and the Church desire to voluntarily resolve the Church's Claims and all other disputes that may exist between them by compromise and without incurring additional attorney's fees, expenses, and costs of litigation; and

**WHEREAS**, the Mayor and Commission are taking the actions set forth herein for the purpose of providing for the settlement of the Lawsuits brought by the Church and said actions should not be seen by citizens, staff or courts as setting a new precedent for any other piece of property in the jurisdiction of ACCGov; and

**WHEREAS**, without admitting liability or fault, the Mayor and Commission find it to be in the best interests of ACCGov, subject to final approval after completion of required administrative processes, to approve the initiation of the required processes set forth in the Meditation Agreement and the Plan for surface parking on the Property attached hereto as Exhibit "B" and incorporated herein by reference (the "Plan"), and it is the intention of the Mayor and Commission to initiate such processes via this Resolution; and

**WHEREAS**, in recognition of the fact that the final legislative approval of removal of the Property from the District and final legislative approval of a Special Use Permit for the Plan is vested in the Mayor and Commission, the Mayor and Commission reserve the right and authority to reject the final approval of the removal of the Property from the District and/or final approval of a Special Use Permit for the Plan after completion of the required administrative processes;

**NOW, THEREFORE**, the Mayor and Commission hereby resolves as follows:

SECTION 1.

The Mayor and Commission, subject to the statements set forth above, and specifically the final WHEREAS clause, does hereby approve the material terms of the settlement as set forth in the Meditation Agreement and the Plan.

SECTION 2.

Pursuant to the terms of the Mediation Agreement, the Mayor and Commission do hereby direct and motion that the District be amended to remove the Property from the District (the

“Amendment”) in accordance with Sec. 8-5-10(a) of the Code of Athens-Clarke County, Georgia and that the Amendment be submitted to the Historic Preservation Commission for review and recommendation in accordance with the procedure set forth in Sec. 8-5-3(d)(2) of the Code of Athens-Clarke County, Georgia. In accordance with this Resolution’s expressed purpose of providing for the settlement of the Lawsuits filed by the Church, the Mayor and Commission request that the Historic Preservation Commission complete the foregoing recommendation process in a timely manner not to exceed seventy-five (75) days, if at all possible, from the effective date of this Resolution.

### SECTION 3.

Pursuant to the terms of the Mediation Agreement, the Mayor and Commission do hereby agree that its approval of this Resolution shall constitute an official action of the Mayor and Commission in accordance with Sec. 9-4-15C.7. of the Code of Athens-Clarke County, Georgia authorizing staff to approve the Church’s Application for Demolition Review and issue a permit for demolition within ten (10) business days after removal of the Property from the District, subject to the requirements of Sec. 7-1-40<sup>1</sup> and Sec. 7-1-126 of the Code of Athens-Clarke County, Georgia related to the demolition of structures.

### SECTION 4.

Pursuant to the terms of the Mediation Agreement and upon completion of the Construction Plans Review Process, ACCGov will approve construction of the Plan, subject to the Church’s submittal of an Application for the issuance a Special Use Permit to approve the Plan and the Mayor and Commission’s approval of the Special Use Permit following receipt of the Planning Commission’s findings and recommendations as provided in Sec. 9-4-4C.5. of the Code of Athens-Clarke County, Georgia. In accordance with this Resolution’s expressed purpose of providing for the settlement of the Lawsuits filed by the Church, the Mayor and Commission request that the Planning Commission commence its review as soon as practicable and complete the foregoing recommendation process in a timely manner not to exceed seventy- five (75) days, if at all possible, from the effective date of this Resolution.

### SECTION 5.

The Mayor, the Manager and/or his designee(s), the County Attorney, and Thomas Mitchell, outside counsel, shall have authority to take all further actions necessary to carry out the intents and purposes of this Resolution, including but not limited to, the authority to sign any documents as may be necessary or appropriate to effectuate the intents and purposes of this Resolution.

### SECTION 6.

The Commission hereby declares that the foregoing preamble and whereas provisions set forth hereinabove constitute, and shall be considered to be, substantive provisions of this Resolution and are hereby incorporated by reference into Section 6.

### SECTION 7.

In the event scrivener’s errors shall be discovered in this Resolution or in the Exhibits hereto after the adoption hereof, the Commission hereby authorizes and directs that each such scrivener’s error shall be corrected in all multiple counterparts of this Resolution.

### SECTION 8.

This Resolution shall become effective immediately upon its approval by the Mayor or upon its adoption into law without such approval.

A motion was made by Commissioner Hamby, seconded by Commissioner Culpepper, to adopt the following amended ordinance (2024-11-105) which was presented by title only for Woodlawn Avenue

– proposed designation as an on-street parking permit-controlled street under the Residential Parking Permit Program. The motion passed by unanimous vote.

AN ORDINANCE FOR THE ESTABLISHMENT OF A CONTROLLED PARKING RESIDENTIAL AREA ON WOODLAWN AVENUE BETWEEN STANTON WAY AND SOUTH MILLEDGE AVENUE AND FOR THE ESTABLISHMENT OF YELLOW CURBING ON THE NORTHERN SIDE OF WOODLAWN AVENUE; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Pursuant to Sections 3-3-47 and 3-3-48 of the Code of Athens-Clarke County, Georgia, there is hereby established a controlled parking residential area on Woodlawn Avenue between the intersection of Woodlawn Avenue and Stanton Way and the intersection of Woodlawn Avenue and South Milledge Avenue as shown on that certain map entitled “Woodlawn Avenue Proposed Residential Permit Parking and Yellow Curb,” prepared November 6, 2024, and attached hereto as Attachment #1.

SECTION 2. Pursuant to Sections 3-3-47 and 3-3-48 of the Code of Athens-Clarke County, Georgia, a residential parking permit shall be required for the privilege of parking in the controlled parking residential area established herein.

SECTION 3. The establishment of this controlled parking residential area shall not affect current parking restrictions on Woodlawn Avenue as indicated by existing yellow curbing. For purposes of clarity, there shall be 66 feet of additional yellow curbing and 17 feet of additional yellow curbing on the northern side of Woodlawn Avenue as designated by the green line shown on that certain map entitled “Woodlawn Avenue Proposed Residential Permit Parking and Yellow Curb,” prepared November 6, 2024, and attached hereto as Attachment #1.

SECTION 4. The Athens-Clarke County Transportation & Public Works Department is hereby authorized to place residential parking permit signs and perform all other actions necessary and incidental to the establishment of the controlled parking residential area and yellow curbing described herein.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Public input on items other than those on the agenda

1. Val Williams – Virginia Walker Park needs better lighting and bus stops on Third Street need covers on them.
2. Isabel Scott – Supports Rank Choice Voting
3. Grant Alexander Miller – Supports Rank Choice Voting

FROM COMMISSIONERS:

1. Thank you so much to the Elections Office for their hard work during the presidential election cycle.
2. Happy Veterans Day and thank you for your service.
3. Wishes everyone a Happy Thanksgiving!
4. Thank you to everyone for your input.

FROM ATTORNEY DRAKE:

1. Clarification made regarding the First United Methodist Church Resolution specifying that this was the first vote made by the Mayor and Commission concerning this item.

COMMISSIONER DAVENPORT:

1. Requests the Legislative Review Committee evaluate the noise issue at the Fairground.
2. Wishes everyone a Happy Thanksgiving!

COMMISSIONER LINK:

1. Requests the Legislative Review Committee evaluate noise issues on Prince Avenue and Normaltown area and consider a noise ordinance for downtown.
2. Sends love out to the LGBTQIA+, immigrant, and Black and Brown communities throughout this nation.

COMMISSIONER TAYLOR:

1. Housing & Community Development has Community Development Block Grant applications available through November 25, 2024.

COMMISSIONER WRIGHT:

1. Concerns of wheeled apparatus uses on our sidewalks that are shared with heavy pedestrian traffic.
2. In need of a more consistent and comprehensive way to improve our outreach for public input to make it more effective.

COMMISSIONER HOULE:

1. Supports Ranked Choice Voting Resolution
2. Thanked Mayor Girtz for half way house resolution
3. Urges colleagues to adopt a Cease Fire Resolution.
4. Request examining single-family regulations in our code to exempt homestead properties and/or increase the number of unrelated people allowed, remove gas stations from our code from being allowed by right.

COMMISSIONER MYERS:

1. Supports Ranked Choice Voting Resolution
2. Thanks, colleagues, for civility.

COMMISSIONER THORNTON:

1. Feels that it is a time and atmosphere where we need to work together. The Unitarian Church will be holding a vigil tonight in reference to a box of ammunition which was sent to the church on the same day as the Justice Fest.
2. Read 2 Chronicles 7:14
3. Supports Ranked Choice Voting Resolution

A motion was made by Commissioner Hamby, seconded by Commissioner Wright, to adjourn. The motion passed by unanimous vote.

The meeting adjourned at 8:52 p.m.

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Deputy Clerk of Commission

Addendum to Minutes of Wednesday, November 6, 2024. Approved at Mayor and Commission meeting of Tuesday, December 3, 2024.

A motion was made by Commissioner Fisher, seconded by Commissioner Houle, to HOLD until December 3, 2024 SPLOST 2020 Project 28, Mental Health Recovery Facility Project – Construction Services Contract Award. The motion passed by unanimous vote.

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Clerk of Commission